

REMARKS

Claims 35-48 are pending in the current application and currently stand rejected. Reconsideration and allowance of claims 35-48 are respectfully requested in light of the following remarks.

Claim Rejections – 35 U.S.C. § 103

Claims 35-48 stand rejected under 35 U.S.C. §103(a) as being unpatentable over publication “CPW for SIMULATE-3” by Kevin O’Sullivan contained in the “Update ...” newsletter (“O’Sullivan”) in view of US Pat 5,414,809 to Hogan et al. (“Hogan”). This rejection is respectfully traversed for the reasons detailed below.

With regard to claim 35, the Examiner maintains the rejection under § 103(a) to this claim, replying that O’Sullivan teaches the “graphically populating” recited in claim 35 by disclosing drag and drop functionality for assemblies and related data between spent fuel pool and fresh fuel pool locations. Applicants respectfully submit that claim 35 recites “**populating based on one or more fuel attributes** of the fuel bundles in the fuel pool” and that **tools** provided for doing so “**move** the graphical fuel bundles into the graphical loading map **based on one or more fuel attributes.**” Where the Examiner relies upon O’Sullivan for teaching populating, it is an **indiscriminate dragging and dropping** of fuel bundles between locations – the user in O’Sullivan does not engage in, and has no movement tools for, populating or moving fuel bundles **based on fuel attributes**. See O’Sullivan p.1, ¶ 4- p.2, ¶ 5. Only with regard to rotation of bundles within the core does

O'Sullivan disclose doing something based on fuel attributes, *viz.*, symmetry. See O'Sullivan, p. 1, ¶ 4. But rotation within the core is **not** populating and certainly not a movement tool. Without the specific type of populating and kind of tool recited in claim 35, O'Sullivan does not teach or suggest all of the claimed subject matter.

Applicants reiterate that Hogan does not cure the disclosure and suggestion deficiencies of O'Sullivan. Specifically, Hogan teaches, and is applied by the Examiner for teaching, only a graphical loading tool. Hogan is silent with regard to how this tool, which is unrelated to nuclear power, may discriminate among elements moved by the tool based on fuel bundle attributes when populating the core. Indeed, from FIG. 9 of Hogan, it is unclear how elements may be moved between fields based on **any** attributes by the tool in Hogan; the figure suggests only a non-discriminate and generic move tool.

Because O'Sullivan, alone or in combination with Hogan, fail to teach each and every element of claim 35, and because the Examiner has provided no rational underpinning accounting for the differences therebetween, these references cannot anticipate or render obvious claim 35. Claim 42 is equally allowable over these references at least for reciting similarly unique subject matter discussed above with regard to claim 35. Claims 36-41 and 43-48 are allowable at least for depending from an allowable base claim. Withdrawal of the rejection to claims 35-48 under 35 U.S.C. § 103(a) is respectfully requested.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 35-48 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By



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